

APPROVED MINUTES

KITTERY TOWN COUNCIL

June 23, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Charles Denault, Jeffrey Pelletier, Judy Spiller, Frank Dennett and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager's Report –

Town Manager Puff stated that she had an annotated list of the property owners who would benefit from the FEMA appeal. She continued that \$5900 had been pledged at this point. Town Manager Puff indicated that FEMA had indefinitely postponed the appeal process, pending a third party appeal.

Town Manager Puff noted relative to the turtle crossing signs, that there currently were a couple up and they could erect 4 more for a cost of about \$150.

Town Manager Puff indicated that Kittery was awarded three safety grants from MMA totaling \$2900.

Town Manager Puff noted that she had received the final agreement relative to the management of the John Paul Jones Park and it would be on the next agenda.

Town Manager Puff indicated relative to the BIG project, that the solution that the KPA had come up with was reviewed by the State and the State did not like it because they would lose one transient slip. She continued that they were working on coming up with a new solution.

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Town Manager Puff stated they had reviewed the agreement relative to the sharing a police chief with Eliot, and recommended that they renew the agreement with no amendments as things were going well.

Town Manager Puff noted that the Block Party had gone well and it was a very enjoyable day.

7. Acceptance of Previous Minutes – 6/9/14

The minutes of 6/9/14 were accepted as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

10. PUBLIC HEARINGS -

a. (060214-1) The Kittery Town Council moves to hold a public hearing on an application from Union Lobster House, LLC, 1171 Sagamore Ave., Portsmouth, NH for a Victualer's license for Union Lobster House, 2 Badger's Island West, Kittery.

Chairperson Thomson opened the public hearing, and no response being heard, closed the public hearing.

COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM THE UNION LOBSTER HOUSE, LLC, 1171 SAGAMORE AVE., PORTSMOUTH, NH FOR A VICTUALER'S LICENSE FOR UNION LOBSTER HOUSE, 2 BADGER'S ISLAND WEST, KITTERY, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

11. DISCUSSION

a. Discussion by members of the public (three minutes per person) –

Dick Dauphinais came to the podium and asked if Council had a response to the article in the newspaper relative to the tax assessment increases.

b. Chairperson's response to public –

Chairperson Thomson responded that Council had no jurisdiction over the matter. He continued that there was a process for appeals and that the town would be holding a workshop in July where the assessor would give a lesson on how the assessments are determined.

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12. UNFINISHED BUSINESS – None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - None

b. (060214-2) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER WITH ALL IN FAVOR. MOTION PASSES 6/0.

c. (060214-3) The Kittery Town Council moves to approve the application from Union Lobster House, LLC, 2 Badger's Island West for a Malt and Vinous Liquor License for Union Lobster House, 2 Badger's Island West, Kittery.

COUNCILOR SPILLER MOVED TO APPROVE THE APPLICATION FROM THE UNION LOBSTER HOUSE, LLC, 2 BADGER'S ISLAND WEST FOR A MALT AND VINOUS LIQUOR LICENSE FOR UNION LOBSTER HOUSE, 2 BADGER'S ISLAND WEST, KITTERY, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

d. (060214-4) The Kittery Town Council moves to approve the renewal application from Daniel Raynard, 14 Stonecroft, Apt. 6, Portsmouth, NH for a Malt and Vinous Liquor License for Tasty Thai, 182 State Road, Kittery.

COUNCILOR SPILLER MOVED TO APPROVE THE RENEWAL APPLICATION FROM DANIEL RAYNARD, 14 STONECROFT, APT. 6, PORTSMOUTH, NH FOR A MALT AND VINOUS LIQUOR LICENSE FOR TASTY THAI, 182 STATE ROAD, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

e. (060214-5) The Kittery Town Council moves in accordance with Sec. 6.06(3) of the Town Charter to adopt the 2014-2015 Municipal and Adult Education budgets.

CHAIRPERSON THOMSON MOVED ACCOUNT #10110 – ADMINISTRATION IN THE AMOUNT OF \$1,011,324.00, SECONDED BY COUNCILOR SPILLER.

COUNCILOR DENNETT MOVED TO REDUCE THE AMOUNT BY \$20,000 FOR THE FEMA APPEAL, SECONDED BY COUNCILOR BRAKE.

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Chairperson Thomson stated that he understood where Councilor Dennett was coming from but the appeal process could still begin this fiscal year and the money would already be in the budget and that he would prefer to leave it in. Councilor Pelletier stated that he agreed with Chairperson Thomson.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR SPILLER, COUNCILOR PELLETIER AND CHAIRPERSON THOMSON OPPOSED. MOTION DOES NOT CARRY 3/3.

A ROLL CALL VOTE WAS TAKEN ON THE ORIGINAL MOTION WITH COUNCILOR DENNETT AND COUNCILOR BRAKE OPPOSED. MOTION PASSES 4/2.

CHAIRPERSON THOMSON MOVED ACCOUNT #101120 - COUNCIL IN THE AMOUNT OF \$9771.00, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett noted that one Councilor did not take a salary and that amount could be reduced by \$646.00.

COUNCILOR DENNETT MOVED TO REDUCE THE COUNCIL BUDGET BY \$646.00, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101130 - ELECTION IN THE AMOUNT OF \$9463.00, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101150 - COUNTY TAX IN THE AMOUNT OF \$916,700, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101120 - ASSESSING IN THE AMOUNT OF \$174,008, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

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CHAIRPERSON THOMSON MOVED ACCOUNT #101230 - DEBT AND INTEREST IN THE AMOUNT OF \$672,238, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101310 - POLICE IN THE AMOUNT OF \$2,674,754, SECONDED BY COUNCILOR SPILLER.

Councilor Denault stated that he thought that the animal control officer position should be put back into the budget and that the position included much more than just animal control.

COUNCILOR DENAULT MOVED TO INCREASE THE POLICE DEPARTMENT BUDGET IN AN AMOUNT OF \$15,148, SECONDED BY COUNCILOR SPILLER.

Councilor Denault stated that they could add registration violations to that position. Councilor Dennett indicated that he would have to vote against the increase because they had told the taxpayers they would only raise the budget by 1.5%, Chairperson Thomson indicated that he agreed with Councilor Dennett.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT, COUNCILOR SPILLER AND CHAIRPERSON THOMSON OPPOSED. MOTION DOES NOT CARRY 3/3.

A ROLL CALL VOTE WAS TAKEN ON THE ORIGINAL POLICE DEPARTMENT BUDGET WITH COUNCILOR DENAULT OPPOSED. MOTION PASSES 5/1.

CHAIRPERSON THOMSON MOVED ACCOUNT #101320 - FIRE IN THE AMOUNT OF \$264,457, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101330 STREET LIGHTS IN THE AMOUNT OF \$101,000, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT OPPOSED. MOTION PASSES 5/1.

CHAIRPERSON THOMSON MOVED ACCOUNT #101340 – HYDRANT RENTALS IN THE AMOUNT OF \$215,320, SECONDED BY COUNCILOR SPILLER.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101350 – CIVIL EMERGENCY PREPAREDNESS IN THE AMOUNT OF \$1,500, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101410 – HIGHWAY IN THE AMOUNT OF \$1,152,173, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101520 – WELFARE IN THE AMOUNT OF \$40,000, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101530 – PUBLIC HEALTH SERVICE IN THE AMOUNT OF \$601, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101540 – COMMUNITY AGENCIES IN THE AMOUNT OF \$14,180, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett stated that there were three new agencies and the existing agencies were not getting an increase.

COUNCILOR DENNETT MOVED TO REDUCE THE AMOUNT TO \$12,780, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR SPILLER, COUNCILOR DENAULT, COUNCILOR PELLETIER AND CHAIRPERSON THOMSON OPPOSED. MOTION DOES NOT CARRY 2/4.

A ROLL CALL VOTE WAS TAKEN ON THE ORIGINAL AMOUNT WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 5/1.

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CHAIRPERSON THOMSON MOVED ACCOUNT #101710 – CODE ENFORCEMENT IN THE AMOUNT OF \$115,364, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT OPPOSED. MOTION PASSES 5/1.

CHAIRPERSON THOMSON MOVED ACCOUNT #101720 – PLANNING BOARD AND BOARD OF APPEALS IN THE AMOUNT OF \$15,313, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101730 – INTOWN PARKS IN THE AMOUNT OF \$158,796, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101735 – FORT FOSTER, SEAPOINT BEACH AND CRESCENT BEACH IN AN AMOUNT OF \$151,384, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101721 – PLANNING AND ECONOMIC DEVELOPMENT IN AN AMOUNT OF \$235,301, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR BRAKE OPPOSED. MOTION PASSES 5/1.

CHAIRPERSON THOMSON MOVED ACCOUNT #101740 – MISC. ACCOUNTS IN AN AMOUNT OF \$139,525, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101750 – BANK FEES IN AN AMOUNT OF \$600, SECONDED BY COUNCILOR SPILLER.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101760 – CAPITAL IMPROVEMENT PLAN IN AN AMOUNT OF \$1,208,975, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101810 – LIBRARY IN THE AMOUNT OF \$440,916, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101830 – RECREATION IN THE AMOUNT OF \$1,158,547, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101840 – PORT AUTHORITY IN THE AMOUNT OF \$109,715, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT OPPOSED. MOTION PASSES 5/1.

CHAIRPERSON THOMSON MOVED ACCOUNT#101930 – RESOURCE RECOVERY FACILITY IN THE AMOUNT OF \$661,867, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #103000 MISC. INSURANCES IN THE AMOUNT OF \$310,121, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101610 – SCHOOLS IN AN AMOUNT OF \$14,961,185, SECONDED BY COUNCILOR SPILLER.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED ACCOUNT #101800 – ADULT EDUCATION IN THE AMOUNT OF \$69,835, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED TO ORDAIN THE FY'15 BUDGET IN THE AMOUNT OF \$26,994,287, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

CHAIRPERSON THOMSON MOVED TO APPROVE THE SEWER OPERATING BUDGET IN THE AMOUNT OF \$1,830,693.71, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

f. (060214-6) The Kittery Town Council moves to release funds in the amount of \$1000 from unassigned surplus for the purpose of paying the cost of the deductible for the insurance that will be paid out of #101740-68427 – Expense Self Insurance Claims for the water damage loss at the Kittery Community Center in December 2013.

COUNCILOR PELLETIER MOVED TO RELEASE FUNDS IN THE AMOUNT OF \$1000 FROM UNASSIGNED SURPLUS FOR THE PURPOSE OF PAYING THE COST OF THE DEDUCTIBLE FOR THE INSURANCE THAT WILL BE PAID OUT OF #101740-68427 – EXPENSE SELF INSURANCE CLAIMS FOR THE WATER DAMAGE LOSS AT THE KITTERY COMMUNITY CENTER IN DECEMBER 2013, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

g. (060214-7) The Kittery Town Council moves to sign a Release Deed, releasing a 2007 tax lien to Jane E. Anderson, a/k/a Janet E. Cushing of North Berwick, Maine for property located at 76 Route 236, Kittery, Maine, Tax Map 28, Lot 26.

COUNCILOR SPILLER MOVED TO SIGN A RELEASE DEED, RELEASING A 2007 TAX LIEN TO JANE E. ANDERSON A/K/A JANET E. CUSHING OF NORTH

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BERWICK, MAINE FOR PROPERTY LOCATED AT 76 ROUTE 236, KITTERY, MAINE, TAX MAP 28, LOT 26, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

h. (060214-8) The Kittery Town Council moves to schedule a public hearing in accordance with Section 6.11(2) of the Town Charter for a multi-year agreement with the State of Maine, acting by and through the Maine Department of Agriculture, Conservation, and Forestry, Bureau of Parks and Land for management of the John Paul Jones Park.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING IN ACCORDANCE WITH SECTION 6.11(2) OF THE TOWN CHARTER FOR A MULTI-YEAR AGREEMENT WITH THE STATE OF MAINE, ACTING BY AND THROUGH THE MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION, AND FORESTRY, BUREAU OF PARKS AND LAND FOR MANAGEMENT OF THE JOHN PAUL JONES PARK ON JULY 14, 2014, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

14. COUNCILOR ISSUE OR COMMENT

Councilor Denault stated that he would like to see the status of all of the dilapidated buildings in town.

Councilor Denault noted that the Town Charter needed to be reviewed every ten years and that it was now going on eleven years and wanted to know when it would be reviewed.

Councilor Pelletier stated that the Block Party was a great event.

Councilor Pelletier indicated he was wondering relative to the accounts that were considered town funds, what measures were in place to make sure the funds were handled correctly and if there was anything that Council needed to do going forward. Town Manager Puff responded that she would pursue a formal answer.

Councilor Brake indicated that there was a bush on Manson Road at the four way stop that was blocking motorists' views.

Councilor Spiller noted relative to the parking at Seapoint Beach that she had noticed a lot of out of state cars parked there and encouraged the police to check it out.

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Councilor Spiller stated relative to dogs at Fort Foster, that she would ask that the Parks Commission think about ways to control and/or get revenue from dog owners before 10 AM when the park opens.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson stated that the assessing workshop would be held on July 28th.

Chairperson Thomson indicated relative to the Foreside Forum Group that nothing had been finalized and/or was about to come before Council. He continued that they were only exploring ideas at this point.

b. Committee Reports –None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:18 P.M.